

MAY-05-2011 THU 09:32 AM Allen Dyer Doppelt

FAX NO. 407 796 5046
RECEIVED
CENTRAL FAX CENTER

P. 02

MAY 05 2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 6,450,730 of:
MATTHIAS ET AL.

Serial No. 09/850,306

Issue Date: SEPTEMBER 17, 2002

Attorney Docket No.:
59639

Filing Date: AUGUST 17, 2000

For: CURB FORMING MACHINE AND
RELATED METHODS

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION PURSUANT TO
37 CFR § 1.378(c)

The Petition filed on February 25, 2011, pursuant to 37 CFR § 1.378(c) was dismissed on the grounds that the petitioner, Mr. Robert Matthias, was not "all of the inventors" or did not otherwise meet the category of persons/entities listed in 37 CFR § 1.33(b).

The Petitions Examiner is respectfully requested to reconsider the dismissal decision in view of the liberal language of 37 CFR § 1.366(a) regarding the payment of maintenance fees in general which provides:

(a) The patentee may pay maintenance fees and any necessary surcharges, or any person or organization may pay maintenance fees and any necessary surcharges on behalf of a patentee. Authorization by the patentee need not be filed

in the Patent and Trademark Office to pay maintenance fees and any necessary surcharges on behalf of the patentee.

The Petitions Examiner is also respectfully requested to reconsider the dismissal decision in view of the language of 37 CFR § 1.378 that is specifically directed to patent reinstatement which provides:

(d) Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

In the alternative, based upon the helpful discussion with the Petitions Examiner, Ramesh Krishnamurthy, on April 29, 2011, enclosed herewith is an executed statement under 37 CFR § 3.73(b) which establishes that Mr. Matthias is authorized to act on behalf of the assignee. The Petitions Examiner also agreed during the discussion that an acceptable statement under 37 CFR § 3.73(b) would be fully satisfactory in this instance.

In view of the above, it is respectfully requested that the petition for reconsideration fee in the amount \$400 be waived. If it is determined that the fee is required, or if any other fee is required, authorization is given to charge Deposit Account No. 01-0484.

Respectfully submitted,



CHRISTOPHER F. REGAN
Reg. No. 34,906
Customer No. 27975

MAY-05-2011 THU 09:33 AM Allen Dyer Doppelt

RECEIVED
CENTRAL FAX CENTER

P. 04

MAY 05 2011

PTO/SB/05 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1895, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Matthias et al.

Application No./Patent No.: 09/850,306 / 6,450,730

Filed/Issue Date: May 7, 2001 / September 17, 2002

Titled: CURB FORMING MACHINE AND RELATED METHODS

The Concrete Edge Company

a Florida corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest in;
 2. an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
 3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either:
- A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011779, Frame 0834, or for which a copy therefore is attached.

OR

- B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet(s). As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

4/29/2011
Date

Robert Matthias

President

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8169 and select option 2.